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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,519	12/19/2003	Michael O'Keeffe	920673-95341	4453
23644 7590 03/21/2008 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER GAUTHIER, GERALD				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 03/21/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

Office Action Summary

Application No.

10/741,519

Applicant(s)

O'KEEFFE ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9-20 and 22-40 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 8 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 23-32, 34-38 and 40** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the contact centre" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "said contact" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "the contact centre" in lines 3, 8 and 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "said request" in lines 15 and 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the contact centre" in lines 4, 5, 9 and 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "said identifier" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "the identifier" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "the contact centre" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12, 22, 33 and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program product as claimed is a software. The software needs a computer to be executed. The instructions by themselves are non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. **Claims 1-3, 5, 6, 9-11, 15-18, 19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 7,050,568 B2) in view of Stahura (US 2003/0009592 A1).

Regarding **claim 1**, Brown discloses a method of providing remote control over a contact within a contact centre to a user associated with the contact [Hold queue management, column 1, lines 5-8], comprising the steps of:

providing one or more user controls accessible [The caller is provided with options while on hold, column 5, lines 15-22],

awaiting activation of at least one of said controls by the user [The caller selects the "pause" option, column 5, lines 23-31], and

on activation of one of said controls, generating a command to a contact management component of the contact centre, said command being effective to

influence the status of the contact [The process checks the caller request and act on the request to change the status, column 5, lines 34-51].

Brown fails to disclose generating a web page, including information relating to the status of the contact. Brown suggests a web page (column 6, lines 51-61).

However, Stahura teaches generating a web page, including information relating to the status of the contact [The server generates a web page indicating the status of a telephone call, paragraph 0034].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Brown using the teaching of generating a web page with a call status as taught by Stahura.

This modification of the invention enables the system to generating a web page, including information relating to the status of the contact so that the user would enter a telephone number in a field of a web page.

Regarding **claims 2, 16 and 20**, Brown discloses a method, wherein said step of generating a web page is carried out in response to a request from a user, said request including an identifier provided to the user by the contact centre to identify said contact [The caller is provided with an id to access information while on hold, column 6, lines 37-39].

Regarding **claim 3**, Brown discloses a method, wherein said contact is associated with a communications session between the user and the contact centre, and wherein said identifier is provided to the user as part of said communications session [The information is useful to the caller for managing their time while on hold, column 6, lines 39-50].

Regarding **claim 5**, Brown discloses a method, wherein said command is effective to switch the contact between queues in the contact centre [The caller's hold position is paused for managing time while on hold, column 5, lines 38-42].

Regarding **claims 6 and 17**, Brown discloses a method, wherein said command is effective to terminate a communications session involving the contact and to provide a new communication to the contact centre from the user to the contact centre from the web page or a page linked to the web page [The caller is able to see where is placed on the queue on the web page while on hold, column 6, lines 51-61].

Regarding **claims 7 and 18**, Brown discloses a method, wherein said contact is associated with a real time communications session between the user and the contact centre, and the new communication is an email or form submission generated by the user from the web page or page linked to the web page [The caller can have a callback to a video phone, column 6, lines 51-61].

Regarding **claim 9**, Brown discloses a method, wherein said contact is associated with a real time communications session between the user and the contact centre, and the new communication is a call-back request generated by the user from the web page or a page linked to the web page [The caller can have a callback to a video phone, column 6, lines 51-61].

Regarding **claim 10**, Brown discloses a method as claimed in claim 9, wherein said contact is associated with a communications session between the user and the contact centre selected from a voice telephony session, a video telephony session, a web chat session and an instant messaging session [The caller can have a call to a video phone, column 6, lines 51-61].

Regarding **claim 11**, Brown discloses a method, further comprising the steps of:
e) receiving from the contact centre confirmation of the new status of the contact after execution of said command [The hold time may end up being short as a new status, column 5, lines 20-51], and

f) generating a new web page including information relating to the new status of the contact [The web page presents the information to the caller, column 6, lines 51-51].

Regarding **claim 13**, Brown in combination with Stahura disclose all the limitations of claim 13 as stated in claim 1's rejection above furthermore Brown discloses a web server [The IVRU 110 on FIG. 1 is the web server].

Regarding **claim 14**, Brown in combination with Stahura disclose all the limitations of claim 14 as stated in claim 13's rejection above.

Regarding **claim 15**, Brown in combination with Stahura disclose all the limitations of claim 15 as stated in claim 1's rejection above. Furthermore discloses a web page [FIG. 5 is the web page].

Regarding **claim 19**, Brown in combination with Stahura disclose all the limitations of claim 19 as stated in claim 1's rejection above.

Allowable Subject Matter

8. **Claims 4, 7, 8 and 21** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
March 20, 2008